

VZCZCXRO3982
PP RUEHBC RUEHDE RUEHIHL RUEHKUK
DE RUEHGB #0871 0891437
ZNY CCCCC ZZH
P 301437Z MAR 09
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC PRIORITY 2464
INFO RUCNRAQ/IRAQ COLLECTIVE

C O N F I D E N T I A L BAGHDAD 000871

SIPDIS

E.O. 12958: DECL: 03/30/2014

TAGS: PGOV PHUM EFIN I2

SUBJECT: MUTHANNA INTEGRITY COMMISSION: A TOOTHLESS TIGER

Classified By: PRT Team Leader Brad Lynch for reasons 1.4 (b) and (d).

¶1. This is a Muthanna PRT reporting cable

¶2. (C) Summary: Muthanna PRT Team Leader met with the province's Commission on Public Integrity (CPI) representative to better understand that organization's function, limitations and track record. This group has been largely ineffective due to a lack of surveillance equipment, an office location that offers little privacy, and an Iraqi law that permits the minister in each ministry under investigation to block without cause the forwarding of the commission's results to the court system. End Summary.

¶3. (SBU) PRT Team Leader met on March 27 with Muthanna's Integrity Commissioner, Haidar Abid Autaya Hassan, to discuss the commission's goals, needs and concerns. Hassan leads a group of eight investigators tasked with ferreting out corruption, gathering evidence and sending cases to the court for prosecution. His office, opened at the end of 2007, reports directly to the Council of Representatives Integrity Committee in Baghdad.

0 for 10, A Toothless Tiger

¶4. (SBU) When queried about his success rate, Hassan lamented that his group has prepared ten cases since the summer of 2008; since then, however, six had been closed by the respective ministers whose provincial-level employees were under investigation, exercising their rights under the Iraqi Law on Criminal Procedures, Article 136(b). The other four cases have been thrown out by the Muthanna court due to a lack of evidence. Those rulings are currently under appeal. When the Team Leader commented that this must be frustrating, Hassan replied, "One of our investigators cried about a case."

¶5. (SBU) The commission has turned three minor election fraud cases over to the Muthanna court, and according to Hassan, these (unsuccessful) provincial council candidates are now in jail for falsifying education documents. Of the 26 candidates elected, 24 have had their diplomas certified; the remaining two are still under review. Hassan claims that investigations such as these are a major factor in the nation-wide election certification delays.

"We Need Three Things"

¶6. (SBU) Hassan listed three things limiting his success: a lack of surveillance equipment; office space that affords little privacy to potential whistle blowers; and Article 136b of Iraqi law. While he admitted that evidence obtained using wiretapping equipment would be inadmissible in courts, Hassan said that it would significantly enhance his team's ability to conduct investigations.

¶7. (SBU) Without surveillance equipment, the Commission on

Public Integrity provincial office must rely solely upon informants, and there are several ways in which they can contact an investigator, including face-to-face meetings. Currently, however, the commission rents an office building in central Samawah from the provincial governor, and Hassan believes that this very public location deters many from coming forward.

Comment

¶8. (C) Given its anemic record, we find that the Muthanna Commission on Public Integrity office has not been effective in bringing corrupt officials to justice in Muthanna. So long as political considerations can squelch the prosecution of integrity violations, this organization will not be a truly independent force in the campaign to eliminate corruption. End Comment.

BUTENIS